

In the
Indiana Supreme Court



IN THE MATTER OF THE
APPROVAL OF LOCAL RULES
FOR TIPPECANOE COUNTY

Case No. 79S00-1311-MS- 717

ORDER APPROVING AMENDED LOCAL RULE

The Judges of the Tippecanoe Circuit and Superior Courts request the approval of an amended local rule for caseload allocation in accordance with Ind. Administrative Rule 1(E). Attached to this Order is the proposed amended local rule.

Upon examination of the proposed rule amendment requested by the Tippecanoe Circuit and Superior Courts, this Court finds that the proposed rule amendment, LR79-AR1(E)-1 complies with the requirements of Ind. Administrative Rule 1(E), and, accordingly, should be approved and posted in the county clerk's office(s) and on the county clerk's website, if any, and on the Indiana Judicial Website.

IT IS, THEREFORE, ORDERED by this Court that amended Local Rule LR79-AR1(E)-1 for Tippecanoe Circuit and Superior Courts, set forth as an attachment to this Order, is approved effective retroactive to September 1, 2013. The Clerk of this Court is directed to forward a copy of this Order to the Hon. Thomas H. Busch, Tippecanoe Superior Court, 301 Main Street, Lafayette, IN 47901; to the Hon. Donald L. Daniel, Tippecanoe Circuit Court, 301 Main Street, Lafayette, IN 47901-1354; to the Hon. Gregory J. Donat, Tippecanoe Superior Court, 301 Main Street, Lafayette, IN 47901-1363; to the Hon. Faith A. Graham, Tippecanoe Superior Court, 301 Main Street, Lafayette, IN 47901-1354; to the Hon. Les A. Meade, Tippecanoe Superior Court, 301 Main Street, Lafayette, IN 47901-1354; to the Hon. Michael A. Morrissey, Tippecanoe Superior Court, 301 Main Street, Lafayette, IN 47901; to the Hon. Randy Williams, Tippecanoe Superior Court, 301 Main Street, Lafayette, IN 47901-1354; to the Clerk of the Tippecanoe Circuit and Superior Courts; and to the Division of State Court Administration. The Clerk is also directed to post this Order on the Court's website.

The Clerk of the Tippecanoe Circuit and Superior Courts is directed to enter this Order and attachment in the Record of Judgments and Orders for the Courts, to post this Order and attachment for examination by the Bar and the general public, and if available, to publish this Order and attachment on the county clerk's website.

DONE at Indianapolis, Indiana, on November 1, 2013.

A handwritten signature in black ink, appearing to read "Brent E. Dickson", written over a horizontal line.

Brent E. Dickson
Chief Justice of Indiana

LR79-AR 1(E) Rule 1. County Caseload Plan

As of the date of the Order adopting these Rules, and subject to any modifications which may subsequently be made, the Tippecanoe County Caseload Plan reads as follows:

All cases wherein the most serious charge alleged is Murder, a Class A, B, or C felony and those Class D felonies specified below shall be assigned to Tippecanoe Circuit Court, Superior Court of Tippecanoe County, and Superior Court No. 2 of Tippecanoe County, on a random basis according to the following ratio:

Court	Ratio
Tippecanoe Circuit Court	2
Superior Court of Tippecanoe County	4
Superior Court No. 2 of Tippecanoe County	4

For any defendant who has a Class A, B, or C felony case pending or who is serving a Class A, B, or C felony sentence, whether executed or suspended, any new case in which the most serious charge alleged is a Class A, B, or C felony shall be filed in the court having jurisdiction of the oldest such prior case. Upon learning that such a case has been filed in the wrong court, the prosecutor shall within 14 days move to transfer the case to the proper court.

Class D felony cases assigned to Tippecanoe Circuit Court, Superior Court of Tippecanoe County, and Superior Court No. 2 of Tippecanoe County are as follows:

I.C.	35-42-2-1 (a) (2) (b)	Battery on a Child
I.C.	35-42-4-4 (b) (1) and (2)	Possession of Child Pornography; Child Exploitation
I.C.	35-42-4-5 (a)	Vicarious Sexual Gratification
I.C.	35-42-4-6	Child Solicitation
I.C.	35-42-4-7	Child Seduction
I.C.	35-42-4-9 (b)	Sexual Misconduct with a Minor
I.C.	35-49-3-3	Dissemination of Matter Harmful to Minors
I.C.	35-46-1-4	Neglect of a Dependent
I.C.	35-43-1-1 (d)	Arson
I.C.	35-48-4-4	Dealing in Schedule V Controlled Substance

All Class D felonies, misdemeanors, and infractions alleging a violation of Indiana Code Title 9, Traffic Code, and only those civil plenary cases with claims up to \$10,000 shall be assigned to Superior Court No. 6 of Tippecanoe County.

All Class D felonies, misdemeanors, and infractions alleging a violation of Indiana Code Title 35, Article 48, Controlled Substances, and not set forth in paragraph 2 above, and only those civil cases involving small claims and landlord tenant's claims, shall be filed in Superior Court No. 4 of Tippecanoe County. Glue Sniffing, in violation of Indiana Code 35-46-6-2, and Public Intoxication cases shall be filed in Superior Court No. 4 of Tippecanoe County.

All remaining Class D felonies, misdemeanors, and infraction cases not specifically set forth above shall be filed in Superior Court No. 5 of Tippecanoe County.

Superior Court No. 3 of Tippecanoe County exercises juvenile jurisdiction and will not receive filings of felony or misdemeanor cases. A case wherein juvenile jurisdiction is waived may be assigned to a court by agreement of the parties. In the absence of such agreement, the case shall be filed in accordance with the Local Rule on Assignments of Criminal Cases.

When it is alleged that defendants jointly commit a crime or crimes and the most serious charge alleged is Murder, the cases shall be assigned together to Tippecanoe Circuit Court, Superior Court of Tippecanoe County or Superior Court No. 2 of Tippecanoe County on a random basis in the ratio of 2:4:4 set forth above.

Where it is alleged that defendants jointly commit a crime or crimes, and the most serious charge alleged is a Class A, B or C felony, their cases shall be filed together in the same court. In any such cases where one or more of the defendants has a Class A, B or C felony case pending or is serving a Class A, B, or C felony sentence, whether executed or suspended, all the cases shall be filed in the court having jurisdiction of the oldest such prior case.

Any case in which the most serious charge is a Class D felony, misdemeanor or infraction shall be filed as specified above, notwithstanding any charges against co-defendants.

A judge, by appropriate order may transfer and reassign to any other court of record in the county, any pending case, subject to acceptance by the receiving court.

A case transferred to Tippecanoe County by reason of change of venue from another county may be assigned to a court by agreement of the parties. In the absence of such an agreement, the case shall be filed in accordance with this Local Rule on Case Assignments.

When the State of Indiana dismisses a case and chooses to re-file that case, the case shall be assigned to the court from which dismissal was taken.

All petitions for civil orders of protection shall be filed initially in Superior Court No. 5 of Tippecanoe County.

Petitions for dissolution of marriage in which a fee waiver is requested shall be filed in Superior Court No. 2.

Petitions to expunge arrest records (I.C. 35-38-5-1), petitions to limit access to criminal history (I.C. 35-38-5-5) and petitions to seal records (I.C. 35-38-9-1) shall be filed in the cause in which the charges were filed, and if no charges were filed, then said petitions shall be filed in Tippecanoe Superior Court No. 2 under a new miscellaneous criminal (MC) cause without paying a filing fee.

Petitions to expunge misdemeanor convictions (I.C. 35-38-9-2), minor Class D felony convictions (I.C. 35-38-9-3), less serious felony convictions (I.C. 35-38-9-4), and certain serious felony convictions (I.C. 35-38-9-5) shall be filed under a new miscellaneous civil (MI) cause and the petitioner must pay the proper filing fee for a new civil action. Said petitions shall be filed in the court in which conviction was entered, unless the petition seeks to expunge convictions from multiple courts, then the petition shall be filed in Tippecanoe Superior Court No. 2.

Petitions to expunge records concerning a delinquent child or a child in need of services (I.C. 31-39-8) or petitions to seal records of a juvenile (I.C. 35-38-9-1) shall be filed in Tippecanoe Superior Court No. 3 without paying a filing fee. Said petitions shall be filed in the cause previously opened, unless a cause was not opened, then said petition shall be filed under a new miscellaneous criminal (MC) cause without paying a filing fee.

The Presiding Judge of the Superior Courts 4, 5, and 6 shall assign the Magistrate to serve any of the Tippecanoe Circuit or Superior Courts in a manner which provides the greater assistance to the courts with greater caseloads. Considering the 2012 caseloads, the Superior Court No. 4 will be limited to one-half day each week and the Circuit Court to two one-half days each week. The balance of the Magistrate's time will be allocated to the courts as set forth above.

In all other civil cases, parties may file in the court of their choosing.

Adopted Aug. 1, 2006, effective Jan. 1, 2007. Amended Nov. 30, 2007, effective Jan. 1, 2008; amended Jan. 6, 2010, effective Jan. 1, 2010; amended Oct. 10, 2011, effective retroactive to Jan. 1, 2011; amended effective September 1, 2012, amended effective September 1, 2013.